

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:

YIN CHEN, et al.

**Serial No:** 10/743,956

**Filed: December 23, 2003**

**Title: OLIGODEOXYNUCLEOTIDE (ODN) LIBRARIES, THEIR USE IN SCREENING FOR ANTIBACTERIAL AGENTS, AND CATALYTIC ODN SEQUENCE FOR USE AS AN ANTIBACTERIAL AGENT**

**TO:**

**Commissioner of Patents and Trademarks**  
**PO Box 1450**  
**Alexandria, VA 22313-1450**

**CERTIFICATE OF MAILING (37 CFR 1.8a)**  
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope, addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450

Cindee R. Ewell      6/27/06  
Name: Cindee R. Ewell      Date

## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

**Dear Sir:**

In compliance with Applicant's duty of candor and good faith, Applicant files this Information Disclosure Statement in accordance with the provisions of 37 CFR §§1.97 and 1.98 to make the references listed on the attached disclosure form PTO/SB/08 of record in the captioned application.

Also, in compliance with § 1.97, an information disclosure statement is herein filed within one of the following time periods:

- ☒ (1) the information disclosure statement is filed in the early stages of prosecution:
- ☐ within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);
  - ☐ within three months of the date of entry of the national stage as set forth in §1.491 in an international application;
  - ☒ before the mailing of a first Office action on the merits; OR
  - ☐ before the mailing of a first Office action after the filing of a request for continued examination under §1.114;

OR,

- ☐ (2) the information disclosure statement is filed before the mailing date of any of a final action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, and it is accompanied by ONE OF:

- ☐ A statement as specified under 37 CFR 1.97(e):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement.

OR,

- ☐ The fee set forth in §1.17(p),

OR,

- ☐ (3) the information disclosure statement is filed on or before payment of the issue fee and is accompanied by:

- ☐ The statement specified under 37 CFR 1.97(e);

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

AND,

- ☐ The fee set forth in §1.17(p).

Also, in accordance with the above provisions, please find:

- ☒ A copy of an earlier filed Supplemental Information Disclosure Statement from a related but earlier filed application containing similar subject matter which may be material to the patentability of this continuation, divisional or continuation-in-part application.

The earlier filed Supplemental Information Disclosure Statement was submitted for application:

CRYA,025      (10/453,410)      2 pgs      Supplemental IDS filed: June 26, 2006

Applicant hereby requests consideration of the art previously cited on the copy provided.

- ☒ A copy of search reports, in addition to what was provided with the original IDS filed on 2/17/06, provided by official examining authorities for applications containing similar subject matter which may be material to the patentability of this application.

The search reports were generated for applications:

International Search Reports:

INGA,004/PCT	(PCT/US99/23936)	4 pgs
INGA,004/CIP/PCT	(PCT/US00/27381)	3 pgs
CRYA,008/PCT	(PCT/US99/23933)	4 pgs
CRYA,018/PCT	(PCT/US03/13593)	1 pg
CRYA,023/PCT	(PCT/US03/39033)	1 pg

International Written Opinions:

INGA,004/PCT	(PCT/US99/23936)	1 pg
INGA,004/CIP/PCT	(PCT/US00/27381)	1 pg
CRYA,008/PCT	(PCT/US99/23933)	1 pg

European Examination Report:

INGA,004/EP	(PCT/US99/23936)	1 pg
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USPTO Search Reports:

CRYA,008	(09/397,783)	1 pg
CRYA,018	(10/136,218)	1 pg
CRYA,023	(10/313,828)	2 pgs

Applicant hereby requests consideration of the art cited on the copies provided.

- ☒ An Information Disclosure Statement in accordance with §1.98(a)(1);
- ☒ Legible Copies in accordance with §1.98(a)(2) of:
- (i) each foreign patent;
  - (ii) each publication or that portion which caused it to be listed, other than U.S. patents and U.S. patent application publications unless required by the Office;
  - (iii) for each cited pending unpublished U.S. application, the application specification including the claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion; and
  - (iv) all other information or that portion which caused it to be listed.
- ☐ In accordance with §1.98(a)(3), for documents not in the English language:
- ☐ a concise explanation of the relevance, as it is presently understood by the individual designated in §1.56(c) most knowledgeable about the content of the information, of each patent, publication, or other information listed that is not in the English language;


AND,

- ☐ a copy of the translation if a written English-language translation of a non-English-language document, or portion thereof, is within the possession, custody, or control of, or is readily available to any individual designated in §1.56(c).
- ☐ A Check in the amount of the fee set forth in 37 CFR §1.17(p) in accordance with 37 CFR §§1.97(c)(2) and 1.97(d)(2).
- ☐ A Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address
- ☐ A Statement under 37 CFR 3.73(b) and any required accompanying documents.
- ☒ A stamped, self-addressed Postcard acknowledging receipt of this document and the accompanying documents as listed herein above.

Please return the enclosed postcard, properly date stamped, to the undersigned attorney for Applicant upon receipt of the enclosed correspondence.

In the event a check covering the appropriate fee(s) is not enclosed, is unsigned, or is insufficient in amount, the Commissioner is authorized to charge Deposit Account No: 50-3748 (CRYA,025/CIP) for the amount of any deficiency.

Respectfully submitted,

  
Malcolm Skolnick

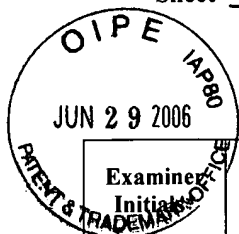
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ATTORNEY FOR APPLICANT

Date: 26 June 2006

# SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Application Number: 10/743,956  
 Filing Date: Dec. 23, 2003  
 First Named Inventor: Yin CHEN  
 Art Unit: 1639  
 Examiner Name: Christopher M. Gross  
 Attorney Docket Number: CRYA 025/CIP

Sheet 1 of 2



## U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	Document Number	Publication date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent Document  Country Code- Number-Kind Code	Publication date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		WO 03/093424	11/13/03	CONRAD, CHEN -ASSIGNEE	

EXAMINER  
SIGNATURE \_\_\_\_\_

DATE  
CONSIDERED \_\_\_\_\_

**SUPPLEMENTAL  
INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

Sheet 2 of 2

Application Number: 10/743,956  
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First Named Inventor: Yin CHEN  
Art Unit: 1639  
Examiner Name: Christopher M. Gross  
Attorney Docket Number: CRYA 025/CIP

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		CHEN, Y., <i>Novel Intracellular Single-Stranded DNA Expression System and its Application</i> , RNA In Drug Development: RNA as a Tool and as a Target, The Knowledge Foundation's 3 <sup>rd</sup> Annual International Conference, November 2003 (ABSTRACT / SLIDES -5) -ASSIGNEE	

EXAMINER  
SIGNATURE \_\_\_\_\_

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**SUPPLEMENTAL  
INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

Sheet 1 of 2



Application Number: 10/453,410  
 Filing Date: 06/03/2003  
 First Named Inventor: Yin CHEN  
 Art Unit: 1639  
 Examiner Name: Christopher M. Gross  
 Attorney Docket Number: CRYA 025

**PATENT DOCUMENTS**

Examiner Initials*	Cite No.	Document Number	Publication date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		<del>2003/0082800</del>	<del>05-01-2003</del>	<del>CONRAD</del>	
		5,910,408	06-08-1999	SZOSTAK	
		2003/0082800	05/01/03	CONRAD, CHEN -ASSIGNEE	

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INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

Sheet 2 of 2

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 Art Unit: 1639  
 Examiner Name: Christopher M. Gross  
 Attorney Docket Number: CRYA 025

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Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		AGRAWAL, S. et al., <i>Antisense Therapeutics: Is it as simple as complementary base recognition?</i> Molecular Med. Today, Vol. 6, pages 72-81 (2000).	
		BRANCH, A., <i>A Good Antisense Molecule is Hard to Find</i> , Trends in Biochem. Sci., Vol. 23, pages 45-50 (1998).	
		BREAKER, R.R., <i>In Vitro Selection of Catalytic Polynucleotides</i> , Chem. Rev., 97: 371-90, 1997.	
		CHEN, Y., and McMICKEN, H., <i>Application of a Novel Single-Stranded DNA Expression Vector for Gene Regulation</i> , Drug Target Validation: Gene Suppression, Keystone Symposia, Tahoe City, CA, Abs.No.112, Jan.2003 (ABSTRACT-3) -ASSIGNEE	
		CHEN, Y., and McMICKEN, H., <i>Application of a Novel Single-Stranded DNA Expression Vector for Gene Regulation</i> , Cancer Gene Therapy, Vol. 10, Supp. 1, Abs.No. 72, January 2003 (ABSTRACT-4) -ASSIGNEE	
		CHEN, Y., et al., <i>Novel Intracellular Single-Stranded DNA Expression System: Production of c-raf RNA-cleaving DNA Enzyme</i> , Gene Therapy 2001: A Gene Odyssey, Keystone Symposia, Snowbird, Utah, January 2001 (ABSTRACT-1) -ASSIGNEE	
		CHEN, Y., et al., <i>Novel intracellular single-stranded DNA expression system: Production of c-raf RNA-cleaving DNA enzyme</i> , Cancer Gene Therapy, Vol. 8, Supp. 2, Abs. No. O-6, December 2001 (ABSTRACT-2) -ASSIGNEE	
		CHIRILA, T., et al., <i>Biomaterials</i> , Vol. 23, pages 321-342 (2002).	
		CROOKE, S., <i>Antisense Research and Application</i> , Chapter 1, pages 1-50, Ed. by S. Crooke, Publ. by Springer-Verlag (1998).	
		DATTA, H.J. and G?LAZER, PmM., <i>Intracellular generation of single-stranded DNA for chromosomal triplex formation and induced recombination</i> , Nucleic Acids Res, 29(24): 5140-5147, 2001.	
		DENTE, L., et al., <i>pEMBL, A new family of single stranded plasmids</i> , Nucleic Acids Res., 11: 1645, 1983.	
		DHUNDALE, A., et al., <i>Structure of msDNA from Myxococcus xanthus: Evidence for a Long, self-Annealing RNA Precursor for the Covalently Linked, Branched RNA</i> , Cell 51: 1105-12, Dec 1987.	
		DIAS, NATHALIE and STEIN, C.A., <i>Antisense Oligonucleotides: Basic Concepts and Mechanisms</i> , Molecular Cancer Therapeutics, 1: 347-55, 2002.	
		FOSSE, P., et al., <i>Modified Nucleotides of tRNA<sup>Pro</sup> Restrict Interactions in the Binary Primer/ Template Complex of M-MuLV</i> , J. Mol. Biol. 275: 731-46, 1998.	
		KONINGS, R.N.H., et al., <i>Transcription of the filamentous phage genome</i> , The Single-stranded DNA phages (Ed: D.T. Denhardt, et al), pp. 507, 1978.	
		LEVINSON, A., et al., <i>Minimal Size plasmids containing an M13 origin for production of single-strand transducing particles</i> , J. Mol. Appl. Genet 2: 507, 1984.	
		McMICKEN, H., et al., <i>Antiproliferative activity of G-quartet-containing oligonucleotides generated by a novel single-stranded DNA expression system</i> , Cancer Gene Therapy, 10: 867-869, 2003 -ASSIGNEE	
		MOHUCZY, D. et al., <i>Hypertension</i> , January 1999, Part II, 354-9 (first page only)	
		SIMONS, S., <i>Novel Technologies for Target Validation</i> , Genetic Engineering News 23(11): 7-9, June 1, 2003. (NEWS)	
		YANISCH-PERRON, C., <i>Improved M13 phage cloning vectors and host strains: Nucleotide sequences of the M13mp18 and pUC19 vectors</i> , Gene 33: 103, 1985.	

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